

## **ANNEX 15-A**

### **Section 1: Central Government Entities**

1. This Chapter applies to central government entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Article 15.1.6 and 15.1.7, to equal or exceed:

- (a) for procurement of goods and services:  
A\$81,800 or US\$58,550
- (b) for procurement of construction services:  
A\$9,396,000 or US\$6,725,000.

The monetary thresholds set out in subparagraphs (a) and (b) shall be adjusted in accordance with Section 8 of this Annex.

#### **Schedule of Australia<sup>1,2</sup>**

**1. Agriculture, Fisheries and Forestry Portfolio**

Department of Agriculture, Fisheries and Forestry  
Dairy Adjustment Authority  
Biosecurity Australia

**2. Attorney-General's Portfolio**

Attorney-General's Department  
Administrative Appeals Tribunal  
Australian Crime Commission  
Australian Customs Service  
Australian Federal Police  
AUSTRAC  
Classification Board  
Classification Review Board  
CrimTrac Agency  
Family Court of Australia  
Federal Court of Australia  
Federal Magistrates Court  
Human Rights and Equal Opportunity Commission  
Insolvency and Trustee Service Australia (ITSA)  
National Native Title Tribunal  
Office of Film and Literature Classification  
Office of Parliamentary Counsel  
Office of the Director of Public Prosecutions  
Office of the Privacy Commissioner

**3. Communications, Information Technology and the Arts Portfolio**

Department of Communications, Information Technology and the Arts  
National Archives of Australia

**4. Defence Portfolio**

Department of Defence<sup>3</sup>  
Department of Veterans' Affairs  
Defence Materiel Organisation

**5. Education, Science and Training Portfolio**

Department of Education, Science and Training  
Australian Research Council

**6. Employment and Workplace Relations Portfolio**

Department of Employment and Workplace Relations  
Australian Industrial Registry  
Equal Opportunity for Women in the Workplace Agency  
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)

**7. Environment and Heritage Portfolio**

Department of Environment and Heritage  
Bureau of Meteorology  
Office of the Renewable Energy Regulator

**8. Human Services Portfolio**

Department of Human Services  
Centrelink

**9. Families, Community Services and Indigenous Affairs Portfolio**

Department of Families, Community Services and Indigenous Affairs

**10. Finance and Administration Portfolio**

Department of Finance and Administration  
Australian Electoral Commission  
Commonwealth Grants Commission  
ComSuper  
CSS Board<sup>4</sup>  
PSS Board<sup>4</sup>

**11. Foreign Affairs and Trade Portfolio**

Department of Foreign Affairs and Trade  
AusAid  
Australia-Japan Foundation  
Australian Centre for International Agricultural Research

**12. Health and Ageing Portfolio**

Department of Health and Ageing  
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)  
National Blood Authority  
Professional Services Review Scheme

**13. Immigration and Multicultural Affairs Portfolio**

Department of Immigration and Multicultural Affairs  
Migration Review Tribunal  
Refugee Review Tribunal

**14. Industry, Tourism and Resources Portfolio**

Department of Industry, Tourism and Resources  
Geoscience Australia

IP Australia

**15. Prime Minister and Cabinet Portfolio**

Department of the Prime Minister and Cabinet  
Australian National Audit Office  
Australian Public Service Commission  
Commonwealth Ombudsman Office  
Office of the Inspector-General of Intelligence and Security  
Office of the Official Secretary of the Governor-General

**16. Transport and Regional Services Portfolio**

Department of Transport and Regional Services  
National Capital Authority

**17. Treasury Portfolio**

Department of the Treasury  
Australian Bureau of Statistics  
Australian Competition and Consumer Commission  
Australian Office of Financial Management (AOFM)  
Australian Taxation Office  
Inspector General of Taxation  
National Competition Council  
Productivity Commission  
Royal Australian Mint

**18. Parliamentary Departments**

Department of the House of Representatives  
Department of the Senate  
Department of Parliamentary Services

**Notes to the Schedule of Australia**

1. This Chapter covers only those entities subordinate to the relevant portfolio which are listed in this Schedule.
2. This Chapter does not cover the procurement of motor vehicles by any entity listed in this Section.
3. Department of Defence and Defence Materiel Organisation

- (a) This Chapter does not cover the procurement of the following goods due to Article 22.2 (Essential Security):

	Approximately equivalent to:
Weapons	FSC 10
Fire Control Equipment	FSC 12
Ammunition and Explosives	FSC 13
Guided Missiles	FSC 14
Aircraft and Airframe Structural Components	FSC 15
Aircraft Components and Accessories	FSC 16

Aircraft Launching, Landing, & Ground Handling Equipment	FSC 17
Space Vehicles	FSC 18
Ships, Small Craft, Pontoons and Floating Docks	FSC 19
Ship and Marine Equipment	FSC 20
Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles	FSC 23
Engines, Turbines, and Components	FSC 28
Engines Accessories	FSC 29
Bearings	FSC 31
Water Purification and Sewage Treatment Equipment	FSC 46
Valves	FSC 48
Maintenance and Repair Shop Equipment	FSC 49
Prefabricated Structures and Scaffolding	FSC 54
Communication, Detection, and Coherent Radiation Equipment	FSC 58
Electrical and Electronic Equipment Components	FSC 59
Fiber Optics Materials, Components, Assemblies, and Accessories	FSC 60
Electric Wire, and Power and Distribution Equipment	FSC 61
Alarm, Signal and Security Detection Systems	FSC 63
Instruments and Laboratory Equipment	FSC 66
Specialty Metals	No Code

*NB:* Whether a good is included within the scope of this Note shall be determined solely according to the descriptions provided in the left column above. U.S. Federal Supply Codes are provided for reference purposes only. (For a complete listing of the United States Federal Supply Codes, to which the Australian categories are approximately equivalent, see <http://www.scrantonrtg.com/secrc/fsc-codes/fsc.html>.)

- (b) For Australia, this Chapter does not cover the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120, due to Article 22.2. (*For a complete listing of Common Classification System, see: <http://www.tcc.mac.doc.gov/cgi-bin/doit.cgi?204:66:601961876:49#An1001.1b-2-B>.*)
- Design, development, integration, test, evaluation, maintenance, repair, modification, rebuilding and installation of military systems and equipment (approximately equivalent to relevant parts of U.S. Product Service Codes A & J)
  - Operation of Government-owned Facilities (approximately equivalent to U.S. Product Service Code M)
  - Space services (AR, B4 & V3)
  - Services in support of military forces overseas
- (c) This Chapter does not cover the procurement of goods and services by, or on behalf of, the Defence Intelligence Organisation, the Defence Signals Directorate, or the Defence Imagery and Geospatial Organisation.

- (d) In respect of Article 15.2, the Australian Government reserves the right, pursuant to Article 22.2, to maintain the Australian Industry Involvement program and its successor programs and policies.

4. Department of Finance and Administration This Chapter does not cover procurement by the PSS Board or the CSS Board of investment management, investment advisory, or master custody and safekeeping services for the purposes of managing and investing the assets of the CSS and PSS Funds.

**Schedule of the United States**<sup>1</sup>

1. Advisory Commission on Intergovernmental Relations
2. Africa Development Foundation
3. Alaska Natural Gas Transportation System
4. American Battle Monuments Commission
5. Appalachian Regional Commission
6. Broadcasting Board of Governors
7. Commission of Fine Arts
8. Commission on Civil Rights
9. Commodity Futures Trading Commission
10. Consumer Product Safety Commission
11. Corporation for National and Community Service
12. Delaware River Basin Commission
13. Department of Agriculture<sup>2</sup>
14. Department of Commerce<sup>3</sup>
15. Department of Defense<sup>4</sup>
16. Department of Education
17. Department of Energy<sup>5</sup>
18. Department of Health and Human Services
19. Department of Homeland Security<sup>6</sup>
20. Department of Housing and Urban Development
21. Department of the Interior, including the Bureau of Reclamation
22. Department of Justice
23. Department of Labor
24. Department of State
25. Department of Transportation<sup>7</sup>
26. Department of the Treasury
27. Department of Veterans Affairs
28. Environmental Protection Agency
29. Equal Employment Opportunity Commission
30. Executive Office of the President
31. Export-Import Bank of the United States
32. Farm Credit Administration
33. Federal Communications Commission

34. Federal Crop Insurance Corporation
35. Federal Deposit Insurance Corporation
36. Federal Election Commission
37. Federal Home Loan Mortgage Corporation
38. Federal Housing Finance Board
39. Federal Maritime Commission
40. Federal Mediation and Conciliation Service
41. Federal Mine Safety and Health Review Commission
42. Federal Prison Industries, Inc.
43. Federal Reserve System
44. Federal Retirement Thrift Investment Board
45. Federal Trade Commission
46. General Services Administration<sup>8</sup>
47. Government National Mortgage Association
48. Holocaust Memorial Council
49. Inter-American Foundation
50. Merit Systems Protection Board
51. National Aeronautics and Space Administration (NASA)
52. National Archives and Records Administration
53. National Capital Planning Commission
54. National Commission on Libraries and Information Science
55. National Council on Disability
56. National Credit Union Administration
57. National Foundation on the Arts and the Humanities
58. National Labor Relations Board
59. National Mediation Board
60. National Science Foundation
61. National Transportation Safety Board
62. Nuclear Regulatory Commission
63. Occupational Safety and Health Review Commission
64. Office of Government Ethics
65. Office of the Nuclear Waste Negotiator
66. Office of Personnel Management
67. Office of Special Counsel
68. Office of Thrift Supervision
69. Overseas Private Investment Corporation
70. Peace Corps
71. Railroad Retirement Board
72. Securities and Exchange Commission
73. Selective Service System
74. Small Business Administration
75. Smithsonian Institution
76. Susquehanna River Basin Commission
77. United States Agency for International Development
78. United States International Trade Commission

## Notes to the Schedule of the United States

1. Unless otherwise specified in this Schedule, all agencies subordinate to the listed entities are covered by this Chapter.
2. Department of Agriculture: This Chapter does not cover the procurement of agricultural goods made in furtherance of agricultural support programs or human feeding programs.
3. Department of Commerce: This Chapter does not cover shipbuilding activities of the U.S. National Oceanic and Atmospheric Administration (NOAA).
4. Department of Defense: This Chapter does not cover the procurement of the goods listed below. (*For complete listing of U.S. Federal Supply Classification, see [www.scrantonrtg.com/secrc/fsc-codes/fsc.html](http://www.scrantonrtg.com/secrc/fsc-codes/fsc.html)*):

- (a)

FSC 11	Nuclear Ordnance
FSC 18	Space Vehicles
FSC 19	Ships, Small Craft, Pontoons, and Floating Docks (the part of this classification defined as naval vessels or major components of the hull or superstructure thereof)
FSC 20	Ship and Marine Equipment (the part of this classification defined as naval vessels or major components of the hull or superstructure thereof)
FSC 2310	Passenger Motor Vehicles (only Buses)
FSC 2350	Combat, Assault & Tactical Vehicles, Tracked
FSC 51	Hand Tools
FSC 52	Measuring Tools
FSC 60	Fibre Optics Materials, Components, Assemblies, and Accessories
FSC 8140	Ammunition & Nuclear Ordnance Boxes, Packages & Special Containers
FSC 83	Textiles, Leather, Furs, Apparel, Shoes, Tents, and Flags (all elements other than pins, needles, sewing kits, flagstuffs, flagpoles and flagstaff trucks)
FSC 84	Clothing, Individual Equipment, and Insignia (all elements other than sub-class 8460 - luggage)
FSC 89	Subsistence (all elements other than sub-class 8975- tobacco products)
- (b) “Specialty metals,” defined as steels melted in steel manufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by the Department of Defense: (1) manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent; or which contains more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten or vanadium; (2) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except

iron) in excess of 10 per cent; (3) titanium and titanium alloys; or (4) zirconium base alloys; and

- (c) For the United States, this Chapter generally does not cover the procurement of the goods in the following FSC categories, due to application of Article 22.2 (Essential Security):

FSC 10	Weapons
FSC 12	Fire Control Equipment
FSC 13	Ammunitions and Explosives
FSC 14	Guided Missiles
FSC 15	Aircraft and Airframe Structural Components
FSC 16	Aircraft Components and Accessories
FSC 17	Aircraft Launching, Landing, and Ground Handling Equipment
FSC 19	Ships, Small Craft, Pontoons, and Floating Docks
FSC 20	Ship and Marine Equipment
FSC 28	Engines, Turbines, and Components
FSC 31	Bearings
FSC 58	Communications, Detection, and Coherent Radiation
FSC 59	Electrical and Electronic Equipment Components
FSC 95	Metal Bars, Sheets, and Shapes

5. Department of Energy: This Chapter does not cover national security procurements made in support of safeguarding nuclear materials or technology and entered into under the authority of the *Atomic Energy Act*, or oil purchases related to the Strategic Petroleum Reserve.

6. Department of Homeland Security:

- (a) This Chapter does not cover procurement by the Transportation Security Administration.
- (b) The essential security interests of the United States equally apply to the United States Coast Guard.

7. Department of Transportation: This Chapter does not cover procurement by the Federal Aviation Administration.

8. General Services Administration: This Chapter does not cover the procurement of the goods in the following FSC categories:

FSC 51	Hand Tools
FSC 52	Measuring Tools
FSC 7340	Cutlery and Flatware



## **SECTION 2 : REGIONAL GOVERNMENT ENTITIES**

1. This Chapter applies to the regional government entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Article 15.1.6 and 15.1.7, to equal or exceed:

- (a) for procurement of goods and services:  
A\$666,000 or US\$477,000;
- (b) for procurement of construction services:  
A\$9,396,000 or US\$6,725,000.

The monetary thresholds set out in paragraph 1 shall be adjusted in accordance with Section 8 of this Annex.

### **Schedule of Australia**

This Chapter covers only those entities specifically listed in this Schedule.

#### **Australian Capital Territory**

ACT Auditor-General's Office  
ACT Electoral Commission  
ACT Emergency Services Australia  
ACT Gambling and Racing Commission  
ACT Health  
ACT Insurance Authority  
ACT Planning and Land Authority  
ACT Planning and Land Council  
ACT Workcover  
ACTION  
Chief Minister's Department  
Cultural Facilities Corporation  
Department of Disability, Housing and Community Services  
Department of Economic Development  
Department of Education and Training  
Department of Justice and Community Safety  
Department of Treasury  
Department of Urban Services  
Director of Public Prosecutions  
Environment Commissioner  
Human Rights Office  
Legal Aid Office  
National Exhibition Centre Trust

Ombudsman of the ACT  
The Independent Competition and Regulatory Commission

For the entities listed for the Australian Capital Territory, this Chapter does not cover the procurement of health and welfare services, education services, utility services, or motor vehicles.

## **New South Wales**

Department of Primary Industries  
Rural Assistance Authority  
NSW Food Authority  
Attorney General's Department  
Department of Environment and Conservation  
Legal Aid Commission of NSW  
Office of the Director of Public Prosecutions  
Public Trust Office  
Department of Commerce  
Motor Accidents Authority  
Motor Vehicle Repair Industry Authority  
WorkCover Authority  
Commission for Children and Young People  
Department of Ageing, Disability and Home Care  
Department of Community Services  
Office of the Children's Guardian  
Aboriginal Housing Office  
Department of Aboriginal Affairs  
Department of Education and Training  
Office of the Board of Studies  
Ministry for Science and Medical Research  
Department of Energy, Utilities and Sustainability  
Department of Gaming and Racing  
Department of Health  
Health Care Complaints Commission  
Department of Planning  
Department of Natural Resources, Mines and Water  
Sydney Harbour Foreshore Authority  
Department of Corrective Services  
Department of Juvenile Justice  
Heritage Office  
Ministry for Police  
New South Wales Crime Commission  
Police Integrity Commission  
Community Relations Commission  
Ministry for the Arts  
NSW Ombudsman

Parliamentary Counsel's Office  
Premier's Department  
State Electoral Office  
The Audit Office of New South Wales  
The Cabinet Office  
Department of State and Regional Development  
Department of Lands  
Department of Local Government  
NSW Rural Fire Service  
New South Wales Fire Brigades  
State Emergency Service  
Department of Tourism, Sport and Recreation  
Ministry of Transport  
Sydney Olympic Park Authority  
NSW Treasury

1. For the entities listed for New South Wales, this Chapter does not cover the procurement of health and welfare services, education services, or motor vehicles.
2. Australia shall phase-out the non-compliant offset and preference schemes of New South Wales within three years after the date of entry into force of this Agreement.
3. For the entities listed for New South Wales, the Chapter does not apply to procurements undertaken by a covered entity on behalf of a non-covered entity.

### **Northern Territory**

#### Chief Minister's Portfolio

Department of the Chief Minister  
Auditor General's Office  
Department of Legislative Assembly  
Ombudsman's Office  
Remuneration Tribunal

#### Asian Relations and Trade, Business and Industry, Mines and Energy, Primary Industry and Fisheries and Defence Support Portfolio

Department of Business, Industry and Resource Development

#### Indigenous Affairs Portfolio

Aboriginal Areas Protection Authority

#### Arts and Museums, Community Development, Sport and Recreation, Regional Development Portfolio

Department of Community Development, Sport and Cultural Affairs  
Museum and Art Galleries  
Strehlow Centre Board

#### Employment, Education and Training Portfolio

Office of the Commissioner for Public Employment

Northern Territory Employment and Training Authority  
 Work Health Authority  
Health, Family and Community Services Portfolio  
 Department of Health and Community Services  
 Health and Community Services Complaints Commission  
Justice and Attorney –General’s Portfolio  
 Department of Justice  
Lands and Planning Portfolio  
 Land Development Corporation  
Parks and Wildlife Portfolio  
 Parks and Wildlife Commission of the Northern Territory  
Police, Fire and Emergency Services Portfolio  
 Northern Territory Emergency Service  
 Northern Territory Fire and Rescue Service  
 Police Force of the Northern Territory  
Racing, Gaming and Licensing Portfolio  
 Northern Territory Licensing Commission  
 Racing Commission  
Tourism Portfolio  
 Northern Territory Tourist Commission  
Treasury Portfolio  
 Northern Territory Treasury  
 Utilities Commission of the Northern Territory

1. For the entities listed for the Northern Territory, this Chapter does not cover set-asides on behalf of the Charles Darwin University pursuant to Partnership Agreements between the Northern Territory Government and Charles Darwin University.
2. Australia shall phase-out the non-compliant parts of its *Building Northern Territory Industry Participation* program within three years after the date of entry into force of this Agreement.

## **Queensland**

Department of Aboriginal and Torres Strait Islander Policy  
 Department of Justice and Attorney-General  
 Public Trustee of Queensland  
 Department of Child Safety  
 Department of Communities and Disability Services Queensland  
 Treasury Department  
 Government Superannuation Office  
 Motor Accident Insurance Commission  
 Nominal Defendant  
 Office of Economical and Statistical Research  
 Office of State Revenue  
 Queensland Office of Gaming and Regulation

Department of Emergency Services  
 Queensland Ambulance Service  
 Queensland Fire Service  
 Environmental Protection Agency  
 Queensland Parks and Wildlife Service  
 Department of Local Government, Planning, Sport and Recreation  
 Sport and Recreation Queensland  
 Office for Women  
 Department of Natural Resources  
 Department of Energy  
 Queensland Police Service  
 Department of Corrective Services  
 Department of the Premier and Cabinet  
 Office of the Queensland Parliamentary Counsel  
 Office of Public Sector Merit and Equity  
 Department of Primary Industries and Fisheries  
 DPI Forestry  
 Department of Public Works  
 Department of Housing  
 Department of State Development, Trade and Innovation  
 Department of Tourism, Fair Trading and Wine Industry Development  
 Office of Fair Trading  
 Department of Transport  
 Department of Main Roads

### **Notes for Queensland**

1. For the entities listed for Queensland, this Chapter does not apply to procurements by covered entities on behalf of non-covered entities.
2. The procurement policies and procedures that are not compliant with the offsets provisions of this Chapter will be made compliant within three years from the date of entry into force of the Agreement.
3. For the entities listed for Queensland, this Chapter does not cover the procurement of health and welfare services, education services, government advertising and motor vehicles.

### **South Australia**

Department of the Premier and Cabinet  
 Arts SA  
Department of Treasury and Finance  
 Independent Gambling Authority  
Department of Trade and Economic Development  
Department of Primary Industries and Resources SA  
Department of Justice  
 Attorney-General's Department  
 Department for Correctional Services

Country Fire Services  
 Courts Administration Authority  
 Emergency Services Administrative Unit  
 South Australian Metropolitan Fire Services  
 South Australian Police Department  
 State Electoral Office  
 Auditor-General's Department  
Department of Families and Communities  
Department of Health  
Department of Aboriginal Affairs and Reconciliation  
Department of Education and Children's Services  
Department of Further Education Employment, Science & Technology  
SA Tourism Commission  
Department for Environment and Heritage  
Environment Protection Authority  
Department of Water, Land and Biodiversity Conservation  
Department of Transport, Energy and Infrastructure  
 Planning SA  
 Office for Sustainable Social, Environmental and Economic Development  
 Office of Local Government  
Department for Administrative and Information Services  
State Procurement Board

1. For the entities listed for South Australia, this Chapter does not cover the procurement of health and welfare services, education services, advertising services, or motor vehicles.
2. Any measure providing for inclusion of offsets in procurements will be phased out within three years of the date of entry into force of the Agreement.

### **Tasmania**

Department of Education  
 Department of Health and Human Services  
 Department of Infrastructure, Energy and Resources  
 Department of Justice  
 Department of Police and Public Safety  
 Department of Premier and Cabinet  
 Department of Primary Industries, Water and Environment  
 Department of Economic Development  
 Department of Tourism, Parks, Heritage and the Arts  
 Department of Treasury and Finance  
 House of Assembly  
 Legislative Council  
 Legislature-General  
 Office of the Governor  
 Tasmanian Audit Office

For the entities listed for Tasmania, this Chapter does not cover the procurement of health and welfare services, education services, or advertising services.

## **Victoria**

### **Departments**

Department of Education and Training  
Department of Innovation Industry and Regional Development  
Department of Human Services  
Department of Infrastructure  
Department of Justice  
Department of Premier and Cabinet  
Department of Primary Industries  
Department of Sustainability and Environment  
Department of Treasury and Finance  
Department of Victorian Communities

### **Administrative Offices**

Victorian Auditor-General's Office  
Office of Public Prosecutions  
Office of the Chief Commissioner of Police  
Office of the Ombudsman  
State Services Authority  
Essential Services Commission  
Office of the Legal Services Commissioner  
Victorian Electoral Commission  
Office of the Privacy Commissioner

1. For the entities listed for Victoria, this Chapter does not cover the procurement of motor vehicles.
2. Australia shall phase-out the non-compliant parts of its Victorian Industry Participation Policy within three years after the date of entry into force of this Agreement.
3. For the entities listed for Victoria, this Chapter does not apply to procurements by covered entities on behalf of non-covered entities.

## **Western Australia**

Department of Agriculture  
Rural Business Development Corporation of Western Australia  
Department of Fisheries  
Mid West Development Commission  
Wheatbelt Development Commission  
Great Southern Development Commission  
Office of the Director of Public Prosecutions  
Office of the Information Commissioner

Law Reform Commission of Western Australia  
Equal Opportunity Commission  
Department of Health  
Western Australian Electoral Commission  
Department for Community Development  
Disability Services Commission  
Department of Culture and the Arts  
Department of Consumer and Employment Protection  
Department of Indigenous Affairs  
Department of the Registrar, Western Australian Industrial Relations Commission  
Department of Education and Training  
Country High Schools Hostels Authority  
Curriculum Council of Western Australia  
Department of Education Services  
Department of Conservation and Land Management  
Botanic Gardens and Parks Authority  
Department of Environment  
Department of Water  
Swan River Trust  
Water and Rivers Commission  
Zoological Parks Authority  
Department of Housing and Works  
State Supply Commission of Western Australia  
Department of Racing, Gaming and Liquor  
Department of Local Government and Regional Development  
Heritage Council of WA  
National Trust of Australia (WA)  
Kimberley Development Commission  
Pilbara Development Commission  
Gascoyne Development Commission  
Goldfields Esperance Development Commission  
Department for Planning and Infrastructure  
Main Roads Western Australia  
Western Australian Planning Commission  
Public Transport Authority  
Department of Land Information  
Fire and Emergency Services Authority of Western Australia  
Department of Attorney General  
Department of Corrective Services  
Office of the Inspector of Custodial Services  
Western Australia Police Service  
Department of the Premier and Cabinet  
Governor's Establishment  
Office of the Public Sector Standards Commission  
Salaries and Allowances Tribunal



Department of Industry and Resources  
Minerals and Energy Research Institute of Western Australia  
Western Australian Tourism Commission  
Small Business Development Corporation  
Rottnest Island Authority  
Recreation Camps and Reserves Board  
Department of Sport and Recreation  
Western Australian Sports Centre Trust  
Peel Development Commission  
South West Development Commission  
Department of Treasury and Finance  
Office of Energy  
Perth International Centre for Application of Solar Energy  
Legislative Assembly  
Legislative Council  
Office of the Auditor General  
Office of the Parliamentary Commissioner for Administrative Investigations  
Corruption and Crime Commission  
Parliamentary Services Department

### **Schedule of the United States**

This Chapter covers procurement only by those entities listed in this Schedule.

#### **Arkansas**

Executive branch agencies, including universities

For the entities listed for Arkansas, this Chapter does not cover procurement by the Office of Fish and Game or construction services.

#### **California**

Executive branch agencies

#### **Colorado**

Executive branch agencies

#### **Connecticut**

Department of Administrative Services  
Connecticut Department of Transportation  
Connecticut Department of Public Works  
Constituent Units of Higher Education

#### **Delaware\***

Administrative Services (Central Procurement Agency)  
State Universities  
State Colleges

**Florida\***

Executive branch agencies

**Georgia**

Department of Administrative Services  
Georgia Technology Authority

For the entities listed for Georgia, this Chapter does not cover the procurement of beef, compost, or mulch.

**Hawaii**

Department of Accounting and General Services

For the entities listed for Hawaii, this Chapter does not cover procurement of software developed in the state or construction services.

**Idaho**

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight).

**Illinois\***

Department of Central Management Services

**Kansas**

Executive branch agencies

For the entities listed for Kansas, this Chapter does not cover the procurement of construction services, automobiles, or aircraft.

**Kentucky**

Division of Purchases, Finance and Administration Cabinet

For the entity listed for Kentucky, this Chapter does not cover procurement for construction projects.

**Louisiana**

Executive branch agencies

**Maine\***

Department of Administrative and Financial Services  
Bureau of General Services (covering state government agencies and school construction)  
Maine Department of Transportation

**Maryland\***

Office of the Treasury

Department of the Environment  
Department of General Services  
Department of Housing and Community Development  
Department of Human Resources  
Department of Licensing and Regulation  
Department of Natural Resources  
Department of Personnel  
Department of Public Safety and Correctional Services  
Department of Transportation

**Michigan\***

Department of Management and Budget

**Mississippi**

Department of Finance and Administration

For the entities listed for Mississippi, this Chapter does not cover the procurement of services.

**Nebraska**

Central Procurement Agency

**New Hampshire\***

Central Procurement Agency

**New York\***

State agencies  
State university system  
Public authorities and public benefit corporations

1. For the entities listed for New York, this Chapter does not cover public authorities and public benefit corporations, with multi-state mandates.
2. For the entities listed for New York, this Chapter does not cover the procurement of transit cars, buses, or related equipment.

**Oklahoma\***

Office of Public Affairs and all state agencies and departments subject to the Oklahoma Central Purchasing Act

For the entities listed for Oklahoma, this Chapter does not cover the procurement of construction services.

**Oregon**

Department of Administrative Services

**Pennsylvania\***

Executive branch agencies, including:

- Governor's Office
- Department of the Auditor General
- Treasury Department
- Department of Agriculture
- Department of Banking
- Pennsylvania Securities Commission
- Department of Health
- Department of Transportation
- Insurance Department
- Department of Aging
- Department of Correction
- Department of Labor and Industry
- Department of Military Affairs
- Office of Attorney General
- Department of General Services
- Department of Education
- Public Utility Commission
- Department of Revenue
- Department of State
- Pennsylvania State Police
- Department of Public Welfare
- Fish Commission
- Game Commission
- Department of Commerce
- Board of Probation and Parole
- Liquor Control Board
- Milk Marketing Board
- Lieutenant Governor's Office
- Department of Community Affairs
- Pennsylvania Historical and Museum Commission
- Pennsylvania Emergency Management Agency
- State Civil Service Commission
- Pennsylvania Public Television Network
- Department of Environmental Resources
- State Tax Equalization Board
- Department of Public Welfare
- State Employees' Retirement System
- Pennsylvania Municipal Retirement Board
- Public School Employees' Retirement System
- Pennsylvania Crime Commission
- Executive Offices

### **Rhode Island**

Executive branch agencies

For the entities listed for Rhode Island, this Chapter does not cover the procurement of boats, automobiles, buses, or related equipment.

### **South Dakota**

Central Procuring Agency (including universities and penal institutions)

For the entities listed for South Dakota, this Chapter does not cover procurement of beef

### **Tennessee**

Executive branch agencies

For the entities listed for Tennessee, this Chapter does not cover the procurement of services, including construction services.

### **Texas**

Texas Building and Procurement Commission

For the entity listed for Texas, this Chapter does not apply to preferences for: (1) motor vehicles; (2) travel agents located in Texas; or (3) rubberized asphalt paving made from scrap tires by a Texas facility.

### **Utah**

Executive branch agencies

### **Vermont**

Executive branch agencies

### **Washington**

Washington State executive branch agencies, including:

- General Administration
- Department of Transportation
- State Universities

For the entities listed for Washington, this Chapter does not cover the procurement of fuel, paper products, boats, ships, or vessels.

### **Wyoming\***

Procurement Services Division

Wyoming Department of Transportation

University of Wyoming

## **Notes to the Schedule of the United States**

1. For the United States regional entities marked by an asterisk (\*), indicating pre-existing restrictions, this Chapter does not cover procurement of construction-grade steel (including requirements on subcontracts), motor vehicles, or coal.

2. For the United States regional entities, this Chapter does not apply to preferences or restrictions associated with programs promoting the development of distressed areas or businesses owned by minorities, disabled veterans, or women.
3. Nothing in this Annex shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.
4. This Chapter does not cover any procurement made by a covered entity on behalf of non-covered entities at a different level of government.
5. For the United States regional entities, this Chapter does not apply to restrictions attached to Federal funds for mass transit and highway projects.
6. For the United States regional entities, this Chapter does not cover the procurement of printing services.

### SECTION 3: Government Enterprises

1. This Chapter applies to the government enterprises listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Article 15.1.6 and 15.1.7, to equal or exceed:

- (a) for procurement of goods and services:
  - (i) of List A entities, A\$409,000 or US\$292,751; or
  - (ii) of List B entities, US\$538,000 ; and
- (b) for procurement of construction services for List A and List B entities:  
A\$9,396,000 or US\$6,725,000.

The monetary thresholds set out in sub-paragraphs (a) and (b) shall be adjusted in accordance with Section 8 of this Annex.

#### **Schedule of Australia**

##### **List A:**

1. Aged Care Standards and Accreditation Agency **Ltd.**
2. Australian Accounting Standards Board
3. Australian Communications and Media Authority
4. Australian Fisheries Management Authority
5. Australian Institute of Criminology
6. Australian Institute of Health and Welfare
7. Australian Institute of Marine Science
8. Australian Law Reform Commission
9. Australian Maritime Safety Authority
10. Australian National Maritime Museum
11. Australian Nuclear Science and Technology Organization
12. Australian Pesticides and Veterinary Medicines Authority
13. Australian Prudential Regulation Authority
14. Australian Securities and Investments Commission
15. Tourism Australia
16. Australian Trade Commission (Austrade)
17. Australian War Memorial<sup>3</sup>
18. Comcare
19. Commonwealth Scientific and Industrial Research Organisation
20. Corporations and Markets Advisory Committee
21. Export Finance and Insurance Corporation
22. Grains Research and Development Corporation
23. Great Barrier Reef Marine Park Authority

24. Medicare Australia
25. Land and Water Resources Research and Development Corporation
26. National Gallery of Australia
27. National Museum of Australia
28. National Occupational Health and Safety Commission
29. Reserve Bank of Australia
30. Sydney Harbour Federation Trust
31. The Director of National Parks
32. The National Institute of Clinical Studies Ltd.

### **Notes to the Schedule of Australia**

1. For the entities listed in Australia's list A, this Chapter covers only those entities listed in this Schedule.
2. For the entities listed in Australia's list A, this Chapter does not cover the procurement of motor vehicles.
3. This Chapter does not cover procurement of telecommunications services by the Australian War Memorial.

### **Schedule of the United States**

#### **List A:**

1. Tennessee Valley Authority
2. Bonneville Power Administration
3. Western Area Power Administration
4. Southeastern Power Administration
5. Southwestern Power Administration
6. St. Lawrence Seaway Development Corporation

#### **List B:**

Rural Utilities Service<sup>1</sup>

### **Notes to the Schedule of the United States**

1. The Rural Utilities Service shall:
  - (a) waive federal buy national requirements imposed as conditions of funding for all power generation projects; and
  - (b) apply procurement procedures equivalent to the procedures in the WTO Agreement on Government Procurement and national treatment to funded projects exceeding the thresholds specified above.



1. For greater clarity, this Chapter does not apply to any other aspect of procurement by the Rural Utilities Service, including any restrictions the Rural Utilities Service places on financing for telecommunications projects.
2. With respect to procurement by entities listed in this Section, this Chapter does not apply to restrictions attached to Federal funds for airport projects.

#### **SECTION 4: GOODS**

This Chapter applies to all goods procured by the entities listed in Sections 1 through 3, unless otherwise specified in this Chapter, including this Annex.

## SECTION 5: SERVICES

This Chapter applies to all services procured by the entities listed in Sections 1 through 3, unless otherwise specified in this Chapter, including this Annex.

### **Schedule of Australia**

This Chapter does not cover the procurement of plasma fractionation services or government advertising services.

### **Schedule of the United States**

This Chapter does not cover the procurement of the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120. (*For complete listing of Common Classification System, see: <http://www.tcc.mac.doc.gov/cgi-bin/doit.cgi?204:66:601961876:49#An1001.1b-2-B>.*)

**Basic telecommunications network and services** listed in paragraph 2C(a) through (g) of WTO document MTN.GNS/W/120, such as public voice and data services. This exclusion does not include information services, as defined in 47 United States Code (USC) 153(20). See <http://www.gpoaccess.gov/uscode/search.html>.

- J. **Maintenance, Repair, Modification, Rebuilding and Installation of Goods/ Equipment**  
J019 Maintenance, Repair, Modification, Rebuilding and Installation of Equipment Related to Ships  
J998 Non-nuclear Ship Repair
- M. **Operation of Government-Owned Facilities:**  
All facilities operated by the Department of Defense, Department of Energy, and the National Aeronautics and Space Administration; and  
for all entities in Section 1 through Section 3: M180 Research and Development facilities
- S. **Utilities:** All Classes
- V. **Transportation, Travel and Relocation Services:** All Classes except V503 Travel Agent Services

### **Note to the Schedule of the United States**

1. This Chapter does not cover the procurement of any service in support of military forces overseas.

## **SECTION 6: CONSTRUCTION SERVICES**

This Chapter applies to all construction services procured by the entities listed in Sections 1 through 3, unless otherwise specified in this Chapter, including this Annex.

### **Schedule of the United States**

This Chapter does not cover the procurement of dredging services.

#### **Note to Section 6**

1. Buy national requirements on articles, supplies, or materials acquired for use in construction services contracts covered by this Chapter shall not apply to goods of either Party.

## **SECTION 7: GENERAL NOTES**

Unless otherwise specified herein, the following General Notes in each Party's Schedule apply without exception to this Chapter, including to all sections of this Annex.

### **Schedule of Australia**

This Chapter does not apply to:

- (a) any form of preference to benefit small and medium enterprises;
- (b) measures to protect national treasures of artistic, historic, or archaeological value;
- (c) measures for the health and welfare of indigenous people; and
- (d) measures for the economic and social advancement of indigenous people.

### **Schedule of the United States**

1. This Chapter does not apply to set asides on behalf of small or minority businesses. Set-asides include any form of preference, such as the exclusive right to provide a good or service and price preferences.
2. Where a contract is to be awarded by an entity that is not listed in Section 1, 2 or 3, this Chapter shall not be construed as covering any good or service component of that contract.
3. This Chapter does not apply to the procurement of transportation services that form a part of, or are incidental to, a procurement contract.

## SECTION 8: THRESHOLD ADJUSTMENT FORMULA

1. The thresholds in Sections 1 through 3 shall be adjusted at two-year intervals with each adjustment taking effect in January, beginning on January 1, 2006.

2. With regard to thresholds for goods and services in Section 1 and for goods and services for List A entities referred to in Section 3, the U.S. dollar value for each threshold shall be calculated every two years, based on the U.S. inflation rate measured by the Producer Price Index for Finished Goods published by the U.S. Bureau of Labor Statistics, using the two-year time that ends on October 31 in the year prior to the adjustment taking effect, and using the following formula:

$$T_1 = T_0 \times (1 + i)$$

$T_0$  = threshold value at base period

$i$  = accumulated U.S. inflation rate for the "i"th two year-period

$T_1$  = new threshold value; and

3. The thresholds for goods and services in Section 2, for goods and services for List B entities in Section 3, and for construction services in Sections 1 through 3 are conversions into U.S. dollars of the thresholds listed in the U.S. Appendix 1 to the WTO Agreement on Government Procurement, which are set out in Special Drawing Rights (SDRs) and listed below. Adjustments of these thresholds shall be calculated, based on an average of the daily conversion rates of the U.S. dollar in terms of SDRs published by the IMF in its monthly "International Financial Statistics", for the two-year period preceding October 1 or November 1 of the year before the adjusted thresholds are to take effect:

- (a) 5 million SDRs for construction services;
- (b) 355,000 SDRs for goods and services for Section 2 entities; and
- (c) 400,000 SDRs for goods and services for Section 3 List B entities.

4. The U.S. dollar value of the adjusted thresholds shall be converted into the Australian dollar based on the official conversion rate of the Reserve Bank of Australia, using the average of the daily values of the Australian dollar in terms of the U.S. dollar over the two-year period ending September 30 in the year prior to the adjustments taking effect, and rounded to the nearest thousand Australian dollars;

5. Each Party shall notify the other Party of the adjusted thresholds in their respective currencies; and

6. The Parties shall consult if a major change in a national currency vis-à-vis the other currency were to create a significant problem with regard to the application of the Chapter.